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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1169th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 August 1996, at 3 p.m.

Chairman: Mr. BANTON

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Fourth to seventh periodic reports of Namibia (CERD/C/275/Add.1)

1. At the invitation of the Chairman, Mr. Nujoma (Namibia) took a place at the Committee table.

2. The CHAIRMAN, noted that the report under review was the first report submitted by the Namibian Government since Namibia had achieved independence and extended a special welcome to the representative of the State party.

3. Mr. NUJOMA (Namibia), introducing his country's report, said that part I, "General", summarized the information in the core document on Namibia's colonial past, the liberation war fought under the banner of SWAPO and the country's accession to independence on 21 March 1990.

4. Part II, as its title indicated, contained information relating to articles 2 to 7 of the Convention. The people of Namibia had decided never to return to their colonial past of racial discrimination, and after independence the Government had introduced a policy of national reconciliation aimed at encouraging all Namibians to work together to develop the country in peace and unity, with racial discrimination in all its forms outlawed.

5. Certain acts and practices of racial discrimination carried extremely harsh penalties (Racial Discrimination Prohibition Amendment Act, 1991). Namibia had inherited a considerable body of legislation which blatantly discriminated against blacks. Most of that legislation had been repealed some even before independence. Measures had also been taken to ensure that no one was refused access to community facilities or membership in an association, for example, for reasons based solely on race, colour or ethnic origin. Not all racially discriminatory legislation had been repealed or amended, however. The Government had taken affirmative action to redress imbalances resulting from apartheid in sectors such as education and employment (para. 15). Incitement to racial discrimination was prohibited by law. The policy of national reconciliation had been fully accepted by all Namibians. In the five years since independence, only one case relating to racial discrimination had been brought before the courts (para. 26). It was clear from the case in question that it was the private sector, not the State or administration, that was responsible for problems of racial discrimination. Section 11 (1) (b) of the Act of 1991, under which those persons had been charged, was in fact broader than article 4 of the Convention, and would therefore need to be amended. One drawback of the Act was that section 18 stipulated that no trial for an offence under the Act could be instituted without the written authority of the Prosecutor-General in each case (para. 27). That was a serious and unusual obstacle, and would appear to indicate that Namibia did not provide the victims of discriminatory acts with an effective remedy as required by article 6 of the Convention.

6. Civic education was part of all school curricula (para. 31). A Committee for Civic Education, which included private organizations as well as governmental institutions, had been established. To date, it had organized two major conferences on civic education in Namibia and drafted the blueprint for a framework for civic education (para. 32).

7. The report had been prepared by the Ministry of Justice, with contributions from other ministries and from non-governmental organizations. The NGOs had raised the objections to the powers of the Prosecutor-General which he had mentioned earlier. He believed that Namibia was on the right track, that racial discrimination did not have an adverse effect on national life and that the policy of national reconciliation was bearing fruit.

8. Mr. CHIGOVERA (Country Rapporteur) paid tribute to Namibia for conscientiously fulfilling its international obligations: having acceded to independence only six years earlier, and despite serious difficulties, it was already submitting a report to the Committee, which was impressive. In his view, the report should be considered an "initial" report, for it represented the first opportunity that Namibia had had to describe the legislative or administrative measures it had taken to combat racial discrimination. The report had been compiled according to the Committee's guidelines. The questions and comments he would make should therefore not be taken as criticism, but as ways of obtaining additional information.

9. He welcomed the policy of national reconciliation introduced by the Government (para. 4), which was the cornerstone of the stability enjoyed in Namibia. He would like additional information on the different linguistic groups mentioned in paragraph 5 of the report and their distribution among the different regions of Namibia. Specifically, what was the Government doing to bring the Bushmen into the political, social and economic mainstream? Had the Government taken preferential measures to provide the majority black population with a larger proportion of productive land and raise its standard of living? Where did people of mixed race fall in terms of land distribution, as referred to in paragraph 5 of the report?

10. Concerning paragraph 7, he wondered whether the Constitution contained criminal provisions to ensure implementation of the Convention or whether it permitted Parliament to enact the necessary criminal legislation. He would also appreciate it if the Committee could be provided with the provisions of the 1991 Act eradicating racial discrimination, for example when Namibia's next report was considered.

11. He noted (paras. 11 to 13), that there were two parallel systems of law governing estates and succession in Namibia, one applicable to whites and coloureds and the other to blacks. That was a situation frequently found in Africa, especially in former British colonies, where African customary law coexisted with so-called general law. The question was whether the existence of two parallel systems amounted to "racial discrimination". Since customary law was part of the African way of life, he wondered whether the planned "standardization" (para. 13) was an appropriate approach. In any event great care would need to be exercised. On another matter, what was meant by the "usual marital regime" (para. 14)?

12. It was impressive that the affirmative action policy was embodied in the Constitution (para. 13). According to the last sentence in paragraph 15, such measures should be passed in the course of 1995. Had they been passed? Had specific legislation been enacted pursuant to article 23 (1) of the Constitution to prohibit and criminalize racial discrimination and the practice and ideology of apartheid? What law was being referred to in paragraphs 18 and 19 of the report? Might the text of that law be provided? What was meant by the preambular provisions of the Constitution guaranteeing fundamental rights (para. 22)? Were they substantive provisions? In the third to fifth lines of paragraph 212 ("regardless of race, colour ...") no mention was made of national origin. Was discrimination based on national origin permitted?

13. With regard to article 6 of the Convention, paragraph 23 of the report mentioned a State-sponsored legal aid scheme. How accessible was the scheme to indigent people, and had it been brought to the attention of people in remote areas? Were the offices of the scheme set up in various rural locations? The same paragraph mentioned the appointment of an Ombudsman, but there was no indication of what remedies the Ombudsman provided in cases of racial discrimination and how they were enforced.

14. Paragraph 26 of the report stated that only one case of racial discrimination had been brought before the courts under the 1991 anti-racial discrimination Act, and the State party's remarks generally gave the impression that problems in that area were under control. Yet a non-governmental organization, the National Society for Human Rights in Namibia, said that racial discrimination still existed in both the public and private sectors. According to that organization's report, senior officials and members of the diplomatic corps were often appointed on the basis of ethnic criteria, and Government policy was based on tribalism and nepotism. Without endorsing or rejecting the report's contents, it would be useful to know the Namibian delegation's views on the matter.

15. He was troubled by the last sentence of paragraph 22, which appeared to indicate that the protection provided to Namibians under section 11 (1) (b) of the 1991 anti-racial discrimination Act might be reduced in order to bring them into line with the provisions of the Convention. Was that so?

16. Paragraph 27 of the report contained a reference to article 18 of the 1991 anti-racial discrimination Act which stipulated that no trial would be instituted without written authority from the Prosecutor-General. He wondered whether that requirement did not reduce the scope and effectiveness of the Act. He would also like to know whether it applied to proceedings instituted by individuals.

17. The report also indicated, without giving any details, that black persons were still discriminated against in many subtle ways. Further details would be welcome on that discrimination and the steps taken by the authorities to combat it.

18. Concerning article 7 of the Convention, the introduction of civic education as a cross-curricular subject directed at combating racial discrimination was a commendable step. In particular, the establishment of a

cross-ministerial national Committee for Civic Education involving private organizations and institutions was a positive approach to establishing suitable curricula geared to promoting social harmony among young people. He would like to know about the progress made by the Committee. If the delegation had no information, the Committee would welcome details in the next report. Concerning education, he would like to know whether the segregation existing under the apartheid regime continued, and if so, what measures had been taken to integrate the educational system. Did black children have access to former white schools? It was unlikely that the social studies curriculum for grades 4 to 7 mentioned in paragraph 34 of the report would be effective if white and black children studied in segregated classes.

14. Paragraph 46 stated that racial discrimination was not a problem of national life. The description in the report of the National Society for Human Rights in Namibia, however, was quite different: it stated that the authorities had not taken sufficient steps to close the income gap between the different racial groups, that there had been several cases of discrimination against blacks in employment, especially in recruitment, training and promotion and that the authorities hesitated to act on complaints for fear of impeding the policy of national reconciliation. He would be interested in hearing the views of the representative of the State party on those statements.

15. Mr. de SCHUTTER said that a number of lessons could be drawn from the report. First, racial discrimination had not disappeared after Namibia's accession to independence. Paragraph 6 of the report indicated that the white population, which was no more than 5 per cent of the total, enjoyed a high standard of living while most of the black population lived in abject poverty. Wide gaps still existed between the two communities, especially in income, education, employment, housing and land distribution. Discriminatory legislation also still existed. The report (para. 11) mentioned the laws regulating succession and the administration of estates, which established different systems for whites, coloureds and blacks. Paragraph 14 of the report also indicated that there was a special system for marriage between blacks.

16. In view of that situation, the authorities had taken a number of steps, especially through the Law Reform and Development Commission and the Master of the High Court. He would like to know what reforms had been undertaken and whether they were being conducted with respect for age-old customs, especially regarding succession. Similarly, more details on the affirmative action mentioned in paragraph 15 of the report would be welcome.

17. The discussion on article 4 of the Convention would appear to indicate that Namibian legislation laid down punishment for most acts of racial discrimination and compensation for the victims. But the report gave only two examples of cases brought before the courts, which was very few for a country like Namibia, where the racist practices of the past had not completely disappeared. Were victims informed of their rights, and did the police and judicial authorities investigate cases of racial discrimination conscientiously? The very small number of cases brought before the courts might also be explained by the fact that, under section 18 of the 1991

anti-racial discrimination Act, no trial could be instituted without written authorization from the Prosecutor-General. The information provided indicated that that provision, which hindered the exercise of the right to bring a case before the courts, might soon be repealed. What exactly was the situation?

23. Knowing that the Namibian authorities were deeply concerned about the problem of racial discrimination, he would like to know whether the Government was planning to make the declaration under article 14 of the Convention.

24. Mrs. ZOU said that, in view of Namibia's colonial past, much time and effort would be needed to eliminate racial discrimination permanently. Paragraph 6 of the report indicated that what the white population earned in a day of work, the urban black population earned in two weeks and the rural black population in one year. That was a wide gap, and one was justified in asking what measures had been taken by the Government to remedy that situation. Did whites and blacks receive equal pay for equal work? Since improving the education of blacks was certainly the best means of reducing the gap between them and whites in the economic and social area, what efforts were the Government making in that area, and especially, what steps had been taken to end segregation in education and combat illiteracy among blacks? Were all black children able to attend school, and what was the percentage of black students in university?

25. Mr. VALENCIA RODRIGUEZ said that the information in the "General" section of the report showed that after many years of apartheid, fundamental freedoms were guaranteed in Namibia under a democratic regime which respected the independence of the judiciary. Nevertheless, major disparities persisted in the economic and social areas. Five per cent of the population earned over 70 per cent of the income, whereas 75 per cent of the very poor earned only 7 per cent. How were the authorities handling that situation, which was a potential source of serious political problems for the country?

26. With regard to article 2 of the Convention, the adoption of the 1991 anti-racial discrimination Act mentioned in paragraph 7 of the report was commendable, but it would be useful to know how the law was implemented.

27. Paragraph 8 of the report described legislative measures under which no public or private service could deny a person access to public amenities solely on racial grounds. He would like to know whether those measures concerned institutions only or whether they also applied to individuals.

28. Paragraph 11 of the report stated that Namibia had inherited a considerable body of legislation which blatantly discriminated against blacks and that not all such legislation had been repealed or amended. Were there other such laws in addition to those mentioned in the report, and if so, why were they still in force? Concerning affirmative action, paragraph 15 of the report stated that Parliament could enact legislation providing for the advancement of socially, economically or educationally disadvantaged Namibians. Had such legislation been enacted, and if so, what was its purpose and which categories of individuals was it supposed to protect?

29. Regarding article 4 of the Convention, the measures taken to punish those responsible for acts of discrimination and racial violence were commendable. Since the delegation had indicated that the State party was reviewing that legislation, he would like to know whether it was planning to amend it to bring it fully into line with the provisions of the Convention.

30. In view of Namibia's colonial past and continuing discriminatory practices, the information provided in paragraph 22 on the measures taken pursuant to article 5 of the Convention should be expanded. More details would be welcome on how the rights laid down in article 5 were guaranteed. Paragraph 23 of the report indicated that there were provisions which enabled individuals to obtain remedies for violations of their rights. According to paragraph 26, however, only one case of racial discrimination had been brought before the courts under the 1991 anti-racial discrimination Act, and that case had been withdrawn in September 1995. More information on that case would be welcome.

31. With regard to article 7 of the Convention, the steps taken in the areas of education, culture and information were highly positive, and the Namibian authorities should be encouraged to continue in that direction.

32. Mrs. SADIQ ALI noted with satisfaction that Namibia had submitted a report reflecting its policy of national reconciliation. The fact that non-governmental organizations had for the first time been involved in preparing a report for the Committee was also a very positive step. The report called for a few comments, however. First of all, what had been the impact of the austerity measures requiring all ministries to reduce their budgets by 4 per cent to enable the Government to finance the anti-drought programmes? Second, what progress had been made in integrating black teachers into white schools? The Committee would be very interested in knowing what progress had been made in that area, which related to paragraph 2 (2) of the Convention. According to information published in the press in May 1994, agricultural workers in Namibia were exploited or ill-treated by white farmers: there had reportedly been wrongful dismissals, the workers were not free to organize, they were underpaid and their lodgings were deplorable. What were the authorities doing to ensure respect for the provisions of labour legislation? How were abuses punished?

33. According to other information published in the press in June 1994, there was only 1 black university student for every 500 whites, and positions of responsibility in businesses continued to be held by expatriates for the most part. What was being done for the advancement of black managers and executives? Concerning land ownership, after 5 years of independence, 4,000 white farmers still owned 35 million hectares of farmland. Since nationalization of land was prohibited, landowners had reportedly been asked to give up land in a spirit of national reconciliation and in pursuance of the new land reform legislation. Since the land question in Namibia was closely related to the problems of poverty and unemployment, it would be very useful to know how much land had in fact been redistributed.

34. The CHAIRMAN said that the Committee would continue its consideration of the report of Namibia at a later meeting.

35. Mr. Nujoma (Namibia) withdrew.

Tenth to thirteenth periodic reports of Venezuela (CERD/C/263/Add.8 and CERD/C/263/Add.8/Rev.1; HRI/CORE/1/Add.3)

36. At the invitation of the Chairman, the Venezuelan delegation took places at the Committee table.

37. Mr. SUAREZ FIGUEROA (Venezuela) said that, for an understanding of the problem of racial discrimination in his country, it was necessary first to point out that for historical reasons over half of the population was the product of a racial mix of Indians, Europeans and Africans. Ethnic equality had been established by successive constitutions, laws and decrees since 1810, and article 61 of the current Constitution prohibited discrimination based on race, sex, religious belief or social status.

38. It would be presumptuous, however, to state that there was no actual racial discrimination in Venezuela, for legal principles could be far removed from the actual situation in a society. Until 1958 (the year in which democracy had been re-established), there had been virtually no coloured students in the military schools, and there had been no black bishops until the early 1990s. Fortunately the situation had changed, for one of the three main candidates in the 1993 presidential elections had been coloured. The question of racial equality in Venezuela had also recently been the subject of an interesting debate among experts.

39. With regard to indigenous people, according to a 1992 census there were 315,815 Indians in Venezuela belonging to 28 ethnic groups, comprising 1.5 per cent of the total population (20 million). For historical reasons, most of those ethnic groups lived in remote areas. The principle of equality between indigenous people and the rest of the Venezuelan population was established, but the authorities had also decided to take specific steps for the protection and assimilation of indigenous people. It was difficult, however, to reconcile those two objectives, and the economic and social crisis that had been affecting the country for about 10 years was aggravating the problems. Among recent initiatives for improving the situation were a bill on indigenous communities, peoples and cultures, approved by the Senate and submitted to the Chamber of Deputies, which would unify legislation on indigenous people. The Government was also considering ratifying ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries. In the judicial area, the Supreme Court had issued a judgement, or would do so shortly, on two cases involving indigenous land rights and a third case on human rights and tribal customary law. The census of indigenous people in 1992 had produced some valuable information from the administrative point of view. Regarding education, following the 1978 adoption of a decree on bilingual intercultural education, in 1995, 18 teachers belonging to three aboriginal ethnic groups had obtained diplomas. An agreement on health activities in the border areas had been concluded in 1991 between Colombia and Venezuela on behalf of indigenous populations, and the same year, two biosphere reserves had been established in the Delta del Orinoco.

40. The authorities were the first to acknowledge that those efforts were not enough, and they were prepared to work together with the 50 or so indigenous organizations in Venezuela to improve the situation. His delegation was at the disposal of members who wished to raise questions.

41. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that Venezuela's population of 20 million included large indigenous, black and other minority groups. Venezuela also had large immigrant communities of Spanish, Italian, Portuguese and German origin, and many Colombians, Ecuadorians, Peruvians and Bolivians who had come in search of work, often illegally. There were reportedly over 1.5 million persons of foreign origin in Venezuela. According to an ILO report, foreign workers in Venezuela seemed in general to be recruited and employed under the same conditions as nationals, although there were occasionally some feelings of xenophobia. The Committee would appreciate more information in that connection.

42. The report to the Committee, CERD/C/263/Add.9/Rev.1, stated that article 61 of the Constitution provided for the principle of equality and prohibited racial discrimination. Indigenous people (over 315,000 people belonging to about 20 ethnic groups, according to 1992 figures) lived for the most part in remote and disadvantaged regions. The many steps taken by the Government to give effect to article 77 of the Constitution, which made special provision for indigenous communities, included the establishment of several bodies for indigenous affairs and the Agrarian Reform Act for the restitution of land, forests and water resources to indigenous communities. The Committee would appreciate more details on the progress made possible by those initiatives.

43. In the judicial sphere, the core document (HRI/CORE/1/Add.3) stated that the incorporation of international treaties into domestic law did not occur automatically. Once the required special law was enacted, however, the treaties in question (including the Convention) took precedence over other laws and could be invoked directly before the national courts. Similarly, international human rights treaties ratified by Venezuela acquired constitutional force. The Venezuelan authorities used that argument to explain why there were no provisions prohibiting racial discrimination in the legislation despite the obligation laid down in article 4 of the Convention.

44. With regard to article 5 of the Convention, he would like to know how effect was given to article 50 of the Convention, which granted to the individual rights not expressly mentioned in the Constitution. Additional information should also be provided on the conditions under which foreigners were entitled to vote in municipal elections.

45. With regard to article 6 there were no specific provisions enabling the victims of acts of racial discrimination to bring their case before the courts and nobody for granting compensation. Neither the Organic Law on the amparo procedure in force since 1987 nor article 374 of the Code of Criminal Procedure, both of which were very broad in scope, had been applied to cases of racial discrimination. With regard to article 7 of the Convention, the Committee would like further information on the steps taken in the area of education and in publicizing the Convention, in particular among minority groups.

46. The report showed that the Venezuelan Government had fulfilled the legal obligation it had assumed to submit periodic reports to the Committee. In order to give full effect to the provisions of article 4, however, it should enact special legislation of a preventive nature, as well as provisions specifically to facilitate access to the courts by victims of racial discrimination.

47. The fact that the Constitution recognized the rights of indigenous people, especially their right to cultural identity, was commendable. Nevertheless, a report by the Venezuelan Programme of Education and Action on Behalf of Human Rights (PROVEA) had noted that the provisions applicable to those communities were scattered and gave rise to confusion and anxiety. The Committee would therefore like information on bilingual education in indigenous schools and the relevant provisions of the Agrarian Reform Act. Amnesty International and the Department of State of the United States of America had condemned the abuses committed against indigenous communities during land conflicts. In 1994, three members of the Yupca community had in fact been killed by the army. The most primitive indigenous community in Venezuela, the Yanomamis, were reportedly often raided by Brazilian gold-seekers, and foreign mining activities were said to be harming the indigenous communities and the environment. It was also alleged that indigenous people did not take part in the political system because they were not informed about it and that they were often subjected to particularly serious ill-treatment.

48. PROVEA's 1994 report said that indigenous rights over mining and forest resources and their environment were violated, even by State enterprises, as was their right to life by the government security forces; according to PROVEA, the State was making no effort to take the social measures required in order for indigenous people to be able to work their land, preserve their health and receive bilingual education. The Indian National Council, for its part, stated that the Government's efforts had not improved the situation of indigenous people and that the recommendations in articles 2 to 7 of the Convention were not being properly implemented, which resulted in impunity for those responsible for violations. Finally, the ILO Committee of Experts on the Application of Conventions and Recommendations drew attention to the quotas for foreign workers, which violated its Migrant Workers Convention. As he would have preferred to hear all that information from the representative of Venezuela, it was to be hoped that the next report would be more specific on those points and show that Venezuela was aware of its obligations as a signatory of the Convention.

49. Mr. YUTZIS said that, since the Committee had before it two reports of Venezuela, bearing the symbols CERD/C/263/Add.8 - the symbol appearing in the provisional agenda - and CERD/C/263/Add.8/Rev.1, speakers should indicate to which report reference was being made.

50. The CHAIRMAN said that the confusion would be cleared up by the next meeting.

51. Mr. GARVALOV said he doubted the Committee was very convinced by the statement at the beginning of document CERD/C/263/Add.8 - that racial discrimination had not existed in Venezuela for more than a century - or the reference to article 61 of the Constitution enshrining the principle of equality for all citizens.

52. First of all, article 1 of the Convention interpreted racial discrimination very broadly and laid down an obligation for States parties to take a wide range of measures to combat it. If the Committee took at face value the simple statement that there was no discrimination in Venezuela, it would be admitting for the first time that a country could be totally devoid of racial discrimination. Yet at the very least, there were signs of discrimination in the ill-treatment of the Yanomamis and the Yupcas at the hands of the Venezuelan soldiers. Although the Committee found constitutional guarantees to be commendable, it always pointed out that they remained a dead letter until implementing legislation was enacted and became established judicial practice.

53. He welcomed Venezuela's adoption of a law incorporating the Convention into the country's domestic legislation, but he did not see how the country could implement that legislation properly without knowing the relative importance of the various indigenous groups in the population. Yet the data gathered by the censuses had never been broken down by racial origin - which according to the Government was proof that racial discrimination did not exist. In future, therefore, Venezuelan censuses should include specific data on the indigenous population. However small that population might be, all its rights - cultural, economic, social, civil and political, and not only its freedom of religion and belief - should be protected.

54. Mr. de GOUTTES said that document CERD/C/263/Add.8 showed that diverging views continued to exist between the Committee and the Venezuelan Government, but that some agreement was also emerging. The most important disagreement related to the claimed lack of racial discrimination in the country, which had four consequences: no steps had been taken to combat racial discrimination; it was impossible to describe the demographic make-up of the population; there were no criminal penalties for acts of racism; and the Convention had never been invoked before the courts. All that was logical but clashed with the Committee's position, that all States parties must provide information on the steps they were taking to combat racial discrimination. Information from various NGOs, in particular the Indian National Council, did indicate the existence of racial discrimination.

55. There were, however, some signs of convergence between Venezuela and the Committee in the report. The criminalization of acts of racism as offences was being examined in the new Penal Code under consideration in the legislature, as was a draft basic law designed to strengthen the rights of indigenous groups and amendments to article 77 (2) of the Constitution providing for the protection of indigenous cultures within a State. He asked about the status of those bills and whether the indigenous population had been consulted on matters affecting it.

56. There was a contradiction between the statement that prison regulat contained special provisions governing the treatment of Indians and the statement that the act concerning the penitentiary system made no provisi for special treatment for Indians; he would like that point to be clarifi He would also like more information on the serious acts of discrimination reported by the Indian National Council and other NGOs in the areas of justice, health and education, and on the acts of violence carried out by landowners, mining companies, tourist companies and even fundamentalist religious missions, according to the same sources.

57. Mr. AHMADU, referring to CERD/C/263/Add.8/Rev.1, asked about the Venezuelan population of African origin. The Government said that the population was harmoniously integrated. The representative of Venezuela alluded at the end of his statement, however, to problems in that area. Although the Government itself was not applying discriminatory measures, although the appropriate institutions existed, black Venezuelans did not appear to play a significant role in national life in areas other than sp He asked to what extent the black population was represented in services the diplomatic corps or the police.

58. Paragraphs 77 and 78 of the report repeated what had already been s in the twelfth report and by the Venezuelan delegation in 1989, that sinc racial discrimination did not exist in Venezuela, there was no need for legislation in that area. Yet the representative of Venezuela had said i 1989 that the executive branch had asked the legislative bodies to incorp provisions into the Penal Code to implement article 4 (a) of the Conventi He would like to know whether that had been done.

59. Mrs. ZOU also stressed the need for rigorous enforcement of the provisions of the Constitution and the relevant legislation. The Committ which was responsible for monitoring the implementation of the Convention knew that there could be a large gap between legislation and actual implementation, which was why it was particularly interested in the latte Document CERD/C/263/Add.8/Rev.1 and the oral introduction fell short in t respect.

60. The statement that there was no racial discrimination in Venezuela appeared to be questionable, for certain situations demonstrated otherwis For example, the indigenous populations were removed from the rest of the population. Did that mean they lived on reservations, as in the United States, and did that not imply discrimination? She did not see why it wa impossible to integrate minorities into the rest of the population withou causing them to lose their identity.

61. Paragraph 52 of the report stated that indigenous detainees were tr as separate groups. Did that not also imply discrimination? She wondere that connection whether indigenous people were tried by special courts, o specialized, or indigenous, judges.

62. She would also like more information on participation by indigenous people in political life, and to be told whether there were indigenous members of Parliament and whether they were consulted by the bodies that dealt with indigenous matters.

63. The report lacked information on the illiteracy rate and the number of indigenous people completing primary school, secondary school and higher education.

64. The Venezuelan delegation withdrew.

The meeting rose at 6 p.m.